

I hereby certify that this correspondence is being submitted electronically to the United States Patent and Trademark Office on the date indicated below.

Attention:  
Group Art Unit: 3627

Facsimile:  
Total Pages: 3

\jmccormick\  
John K. McCormick

Date: November 14<sup>th</sup>, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: McCormick, John K.

Art Unit: 3627

Serial No. 10/710,384

Examiner: Amsdell, Dana

Filed: July 06, 2004

Confirmation No.: 5113

Title: *Method, Apparatus and Data Structure for Determining Lot Sizes  
Consistent with an Entity's Strategic Objectives*

Attorney Docket: 10046

Customer No.: 36483

Response to Telephone Interview

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the telephone interview held on October 10<sup>th</sup>, 2008, please include the attached notes on the discourse held on the above noted patent application.

Respectfully submitted,  
John K. McCormick  
Registration No. 53527

Dated: October 24th, 2006  
I P Legal Center & McCormick Law Offices  
6781 Glacier Drive  
West Bend, WI 53090  
Telephone: (262) 629-5100  
Customer Number 36483

A telephone conversation was held with the applicant, John K. McCormick, Dana Amsdell, a junior examiner and her supervisor on October 10<sup>th</sup>, 2008 as regards the non-final rejection of the patent application noted above.

Applicant contended that the term “primary strategic objective” was not too broad as that term is widely and commonly known in the art, in the management of business, and in a multitude of books and articles on the subject of strategic planning. In addition, it was noted that the term “strategic objective” was specifically defined in the first paragraph, item #4, under the heading of “BEST MODE” in the original application.

It was also noted by the examiner that this was simply a formula change and that business’s change formulas all of the time in addressing their needs. While business’s may add and/or change formulas based upon their business needs, these are always additions to the existing MRP and MRP – II systems and the formulations in the MRP and MRP-II systems are never changed or modified. To do so would void any software warranty provided by the software manufacturer.

In addition, it was pointed out by the applicant that the end result is to change the formula for determining lot sizes in the entity’s MRP and/or MRP II computer software, but that the patent application defined a means and structure for an entity to determine what formula would best determine lot sizes that are consistent, and in line with, the entity’s primary strategic objective. Thus, what letters patent are being sought for is the *method and process* by which an entity takes its primary strategic objective and then develops and converts that objective into the software that determines the lots sizes for each and every component part that the entity is dealing with, thereby causing the lot size formulation to be consistent with the primary strategic objective.

Applicant further noted that the current lot size formulation is based solely and exclusively on minimizing costs and that formulation has not been changed or modified

Serial No. 10/710,384 – McCormick, John K.

Art Unit: 3627 –

Response to Interview Summary Letter of October 17<sup>th</sup>, 2008

Page 3 of 3

to any significant extent in the past 60 years or more. Nor have any of the teachings, books, articles or educational classes on MRP and MRP-II changed in regard to how MRP and MRP-II calculates and determine lot sizes for any given component or assembly.

Applicant further contended that the sequencing steps were not addressed by the prior art and as was presented in the prior amendment comments dated October 14<sup>th</sup>, 2008.

Respectfully,

John K. McCormick